



## United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, D.C. 20240



August 20, 2014

Via Certified Mail

Re: **Ward Building, 107 North Boulder Avenue, Tulsa, Oklahoma**  
Project Number: **25706**

Dear

I have concluded my review of your appeal of the decision of Technical Preservation Services (TPS), denying certification of the rehabilitation of the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations (36 CFR Part 67) governing certifications for Federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you for meeting with me in Washington on April 10, 2014, and for providing a detailed account of the project. I also thank your associate and of the Oklahoma Historical Society (the SHPO), for participating in the meeting via telephone.

After careful review of the complete record for this project, including the photographs of mock-ups of possible remedial work, I have determined that the rehabilitation of the Ward Building is not consistent with the historic character of the property and the historic district in which it is located, and that the project does not meet Standards 2 and 9 of the Secretary of the Interior's Standards for Rehabilitation (the Standards). However, I have further determined that the project would meet the Standards if (and only if) you satisfactorily complete the additional remedial work described in this letter.

The Ward Building was certified as contributing to the significance of the Brady Historic District on March 9, 2011. The Historic Preservation Certification Application Part 2—Description of Rehabilitation was found not to meet the Standards owing to work already undertaken, namely, the addition of metal canopies over openings on the principal (Boulder Avenue) elevation, and of mechanical equipment installed on the roof.

I agree with the determination that the project as shown in the photographs of completed work submitted to TPS is not in keeping with the historic character of the Ward Building. The metal canopies on the Boulder Avenue facade, and more than a dozen roof-mounted HVAC units, cause the rehabilitation as completed to contravene Standards 2 and 9. Standard 2 states: *"The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided."* Standard 9 states: *"New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."*

Following our meeting, you submitted additional drawings proposing the relocation of the rooftop units, and photographs showing that the canopies over the two former vehicular entrances had been removed. In response, my letter of May 13, 2014, requested that two mock-ups of an HVAC unit painted the color of the roof be constructed. Photographs accompanying your letter of July 10, 2014, taken from vantage points I had specified, show the mock-ups in place; they also show that the actual HVAC units have been painted to match the light color of the roof. Additionally, your letter proposed lowering the curbs supporting the units from 16 inches to 4.5 inches.

After considering this additional information, I have identified two remedial measures that could bring the project into conformance with the Standards:

- Remove the remaining metal canopies over the two storefronts and the pedestrian entrance on the Boulder Avenue facade. Metal canopies are not in keeping with the historic character of the property and the district. The two former vehicular entrances must not have awnings; you had removed these previously.
- Lower the curbs supporting the HVAC units as proposed, from 16 inches to 4.5 inches, in their current locations. The mock-ups demonstrated that relocating the HVAC units would not substantially reduce their visual prominence. However, painting these elements to match the roof color has already reduced their prominence; lowering them nearly a foot will suffice to render them marginally compliant with the Standards.

If you wish to pursue certification by performing the remedial measures described above, then please advise me in writing of that fact within 30 days after your receipt of this letter, at the same time providing me with a schedule for the timely completion of the work. You must also submit to me, after you complete the remedial work, photographs of the completed remedial work. Upon receipt of photographs confirming satisfactory completion of the remedial work, I will issue the final administrative decision regarding your appeal, reversing the TPS denial of certification.

In its denial decision, TPS noted that, "a more traditional fabric awing might be appropriate over the central entrances and windows (if installed within the openings)." I concur that fabric awnings would be compatible with the period and style of the building. Accordingly, you may decide to install fabric awnings over the two storefronts and the pedestrian entrance, if the pedestrian entrance awning is lowered to match the same height as those over the storefronts. However, installing fabric awnings would be new work not previously reviewed and thus outside the purview of this appeal. For that reason, you would need to submit a Part 2 amendment through the normal process.

Please note that the overall project will not become a "certified rehabilitation" until after it is completed and so designated.

If I do not hear from you within 30 days after your receipt of this letter, then I will assume that you do not wish to pursue certification, and I will issue a brief decision letter affirming TPS's previous decision denying certification for the project. Questions concerning the specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Burns", with a stylized flourish at the end.

John A. Burns, FAIA  
Chief Appeals Officer  
Cultural Resources

cc: SHPO-OK  
IRS